

## **Regular City Council Meeting – February 10, 2015**

*The Meeting called to order at 7:00 p.m.*

*Councilmembers Present: Michele McCall-Wallace, Jean Lynch, John Sawatzky, Stephen Kullmann*

*Councilmembers Absent: Lana Manzanita*

*Staff Present: Deputy City Clerk April Sousa, City Manager John Berchtold*

### **Public Input**

*None.*

### **Pledge of Civility**

*Mayor McCall-Wallace read the Pledge of Civility. Councilmember Sawatzky agreed with the Pledge of Civility. Councilmember Lynch asked for clarification on how the Pledge of Civility was agreed upon at past councils. After some discussion, Councilmember Lynch agreed with the Pledge of Civility.*

### **Approval of Agenda**

*It was noted that the agenda approval was accidentally skipped. Councilmember Kullmann motioned to approve the agenda after moving item 12 up to after item 9, and item 6 to occur after item 12. Councilmember Sawatzky seconded. Motion carried unanimously.*

### **Presentation: Power's Creek Restoration Project**

*Keith Barnard from Greenway Partners, and a Blue Lake resident, passed out larger maps and provisional landowner agreement information prior to the presentation regarding a grant with Mad River Alliance. If this grant is awarded, it will only be for a design project, not for the construction of project. The grant program details will not be available until later, so they are working with information from last year. Since the City land will be affected, Council was asked to look into an agreement to access the creek on City land.*

*Councilmember Kullmann asked clarification of what was being asked of Council at the meeting. Barnard stated that Greenway Partners was looking for permission to access the creek if the grant was awarded, and clarified once again that this is a planning only grant.*

*The scope of the grant being asked for is \$50,000-\$100,000.*

*Clarification was made that the grant was being done through Mad River Alliance, since a non-profit group needs to administer the grant. Greenway Partners and Mad River Alliance are partners in this grant process.*

*Councilmember Lynch asked why they want to move the existing bed of the creek. Barnard stated that it is because in the past, it was apparent that the creek bed was bulldozed, creating an unnatural stream. The idea is to bring it back to a natural habitat for Coho Salmon. Clarification was also made that Greenway Partners has already spoken with California Department of Fish and Wildlife regarding this, and that there are future meetings planned. There has been a lot of support from all contacted agencies, especially the grant agency. There was also interest in restoring the lake at some point, but the creek project was more feasible at this time. It was noted that Greenway Partners has not had a formal conversation yet with land owner, G. Johnston regarding the project, but that it has been mentioned casually with him, and future conversations are in the works.*

*Mayor McCall-Wallace asked clarification on the length of time for this agreement; is it an agreement for a 10-year planning grant? It was stated that at this point, all is flexible and that this is a provisional agreement based on last year's information. Clarification was also asked about how this project was dovetailing in with previous projects and using existing information to move forward. A graph of information was showed to Mayor McCall-Wallace and the council for this clarification. Mayor McCall-Wallace also asked specifically if this planning grant was to*

*develop the same information that may already be present. It was stated that past information was being used and that this grant may be the first of many grants that will benefit the creek.*

*There was hesitation to sign something without the full details.*

*Councilmember Lynch asked if the end of the creek was Rancheria land, and if they had been contacted. Barnard stated that at this time, the City was the first major contact they had done and that the Rancheria will be contacted since they will be a vital player with this grant. Councilmember Kullmann agreed that talking to the Rancheria would be worthwhile.*

*Councilmember Kullmann stated that he fully supports streamline restoration, but encourages Greenway Partners to consider other species as well. Some species often get overlooked.*

*There was no public comment for this presentation.*

*Councilmember Kullmann gave an overview of the suggested motion.*

*Mayor McCall-Wallace wanted the City Manager to be aware of the Council's Concerns and that this is only a planning grant.*

*Councilmember Sawatzky asked that if the plans were implemented, would there be a water level high enough to maintain some flow of the creek. Yes, it will be more like back flow in the secondary channels. Councilmember Sawatzky also asked if there were any maps that show what flooding may occur. It was stated that there were no maps at this time, but that the project will address flooding.*

*Councilmember Lynch asked if there would be any issues with land ownership at the end of the project in regards to land owner G. Johnston. It was noted that he will still own the land. There may be some conservation easements, but nothing is known at this time. The grant project will address this.*

*Councilmember Kullmann motioned to direct staff to negotiate access agreements and/or other pertinent agreements for City Council approval, keeping in mind the concerns about the length of the agreement. Councilmember Lynch seconded. Motion carried with the following votes:*

*Ayes: Lynch, Kullmann, McCall-Wallace*

*Nays: Sawatzky*

*Abstain: none*

*Absent: Manzanita*

*It was noted that Councilmember Sawatzky said nay because he wanted more information.*

## **Proclamation Engineers Week February 22-28, 2015**

*Mayor McCall-Wallace gave a quick overview of the proclamation.*

*Councilmember Lynch commented that her grandfather was an engineer and she has a lot of respect for the career.*

*Mayor McCall-Wallace asked to strike the section stating that Engineer's week coincides with George Washington's birthday, our nation's first engineer. It was stated that we are on native land, and that there have been engineer-like projects long before George Washington.*

*Mayor McCall-Wallace read the proclamation again with the George Washington statement removed.*

*Councilmember Kullmann asked why George Washington was in the proclamation in the first place. It was noted that the language of the proclamation came from the American Society of Civil Engineers.*

*Councilmember Lynch motioned to accept the proclamation with noted changes. Councilmember Kullmann seconded. Motion carried unanimously.*

*Cody Long from SHN, and a representative of the American Society of Civil Engineers, gave a quick overview of the American Society of Civil Engineers after the proclamation was accepted.*

### **Approval of Allocation of Sewer Capacity to Jewell Distillery**

*City Manager Berchtold gave an overview of how much sewer capacity is left in our system. He also gave a quick note on why this issue is coming to the Council instead of Planning Commission. If the Council accepts this, the allocation/reservation of sewer capacity will only be held for six (6) months.*

*Michael Jewell, from Jewell Distillery, was available for questions and comments.*

*Councilmember Lynch asked if Alcohol Beverage Control (ABC) played a part in this. The quick answer was yes, the distillery will have to apply for a permit. The time for this permit varies greatly.*

*Councilmember Kullmann asked for clarification on the number of units the city currently has for allocation. If the Council approves the units requested, it will leave the City with 34. Where does that realistically leave the City in regards to sewer capacity for future allocations?*

*City Manager Berchtold stated that nothing is currently on the table at this time, but the Brewery has given interest of increasing their capacity, however they propose to make improvements to the system in order to be able to do this, which would make up for the use.*

*Clarification was given as to what parts of this process goes to the Planning Commission and what comes to Council.*

*Councilmember Sawatzky asks if Jewell Distillery will have any problems with compliance with regards to any other issues, such as noise, smell/odor, etc. Jewell noted that the distillery is very low impact and will have no problems in those areas. Councilmember Sawatzky also asked if Jewell Distillery was prepared to pay for all monitoring costs. City Manager Berchtold mentioned this is in the ordinance. Jewell stated that he is prepared to do whatever is necessary.*

*Public input was given in favor of the Distillery.*

*Councilmember Sawatzky motioned to release three (3) residential equivalent units of sewer capacity to Jewell Distillery upon payment to the City no later than August 10, 2015. Councilmember Kullmann seconded. Motion carried unanimously.*

### **Discussion of Ordinance Regulating E-Cigarettes**

*Mayor McCall-Wallace reminded the council that this item was on the agenda because it was requested to be discussed after City Manager Berchtold attended the City Manager's Meeting in January, where this was an item of interest and discussion.*

*City Manager Berchtold gave an overview of what he learned at the City Manager's Annual Meeting on January 29, 2015.*

*It was noted that it would be wise to have a forum before adopting an Ordinance.*

*Findings are different for E-cigarettes than tobacco, so this issue is different than just taking the tobacco ordinance and changing it.*

*Mayor McCall Wallace asked that there be an open time at the next few Council Meetings for the public to comment on this before moving forward.*

*Councilmember Lynch agreed, stating she would like more meetings with discussion.*

*The public was given an opportunity to speak. Information from the Tobacco Free Humboldt program was given. It was noted that there is some free technical advice available from this program.*

*There are some local models (Eureka, Arcata, and Crescent City) for Blue Lake to look at about this issue.*

*It was noted that E-cigarettes are completely unregulated and that many youth who have never tried tobacco before are using them.*

*Lin Glen from the public volunteered to help the Council with the ordinance process.*

*Mayor McCall-Wallace stated that it was clear this issue needs to be a whole new ordinance. Suggested posting for the public to weigh in on the discussion and get more information.*

### **Consent Agenda**

*Mayor McCall-Wallace pulled item 12d – Approval of Agreement for Labor Special Services*

*Councilmember Kullmann motioned to approve the Consent Agenda item a (Warrants/Disbursements January 2015), item b (Annual Contract with SHN), and item c (Mad River Old Crows Bench Enhancement Project). Councilmember Sawatzky seconded. Motion carried unanimously.*

### **Approval of Agreement for Labor Special Services**

*Mayor McCall-Wallace asked for clarification on the agreement.*

*Councilmember Lynch asked if there was a problem with employment, was there anyone local.*

*City Manager Berchtold gave clarification on what is available through these services, and what is available locally.*

*Councilmember Lynch asked that if there was a problem, must the City use these services.*

*City Manager Berchtold states that no, they have free phone advice for many issues, and the City can use the services for trainings, but does not have to use these services. The City insurance company, PARSAC, is paying for these services.*

*Councilmember Kullmann motioned to authorize the agreement for special services between Liebert Cassidy Whitmore and the City of Blue Lake. Councilmember Sawatzky seconded. Motion carried unanimously.*

### **Resolution No. 1049: A Resolution of the City Council of the City of Blue Lake Acknowledging the Contributions of Council Member Lana Manzanita and Wishing Her a Speedy Recovery**

*The resolution was reviewed. Public gave comments in favor of this resolution.*

*Councilmember Sawatzky motioned to adopt Resolution No. 1049: A Resolution of the City Council of the City of Blue Lake Acknowledging the Contributions of Council Member Lana Manzanita and Wishing Her a Speedy Recovery. Councilmember Kullmann seconded. Motion carried unanimously.*

### **Recommendation from Public Safety Commission Pertaining to Outcomes from Annual Public Safety Commission Community Meeting**

*Mayor McCall-Wallace gave an overview of the item.*

*Councilmember Sawatzky was cautious of putting the information on the website, wondering if putting the City's "weaknesses" there make Blue Lake more vulnerable.*

*Councilmember Lynch felt that the term "All-Volunteer" in regards to the Blue Lake Fire Department was inappropriate.*

*Mayor McCall-Wallace noted that this was given to the Council by the Public Safety Commission and that it was not the role of the Council to edit. Mayor McCall-Wallace also stated putting this up on the website will encourage transparency. A disclaimer was suggested to state that these results were gathered from a public forum and do not reflect the views of Council or Staff.*

*The public was given an opportunity to speak. It was noted that the purpose of the Public Safety Commission Annual Meeting was to get more public involved, and by placing the information on the website, the public can see that what they say is important.*

*An introduction to the material was suggested.*

*Councilmember Sawatzky motioned to direct staff to place the outcomes from the 2015 Public Safety Commission Annual Community Meeting on the City's website with the addition of suggested introduction. Councilmember Kullmann seconded. Motion carried unanimously.*

### **Electronic Delivery of Council Packets**

*Mayor McCall-Wallace gave an overview of the agenda item.*

*Councilmember Sawatzky stated he has been testing the delivery of packets via email for the past couple of weeks.*

*Mayor McCall-Wallace suggested receiving the packets electronically, but having a paper packet available at Council meetings. Also suggested that each Councilmember could have a choice.*

*Councilmember Kullmann asked that perhaps down the road, the budget be looked at for the possibilities of tablets be purchased for each Councilmember in the future.*

*Mayor McCall-Wallace gave an overview of the options discussed. The consensus was that each Councilmember could choose their best way to receive the packet materials. Councilmember Lynch wishes to pick up materials at City Hall. Councilmember Kullmann will experiment with electronic delivery for now. Mayor McCall-Wallace wishes to receive electronically, but have a paper copy available to her at the meetings. Councilmember Sawatzky wishes to have electronic delivery only.*

### **Reports of Council and Staff**

*Councilmember Lynch – none*

*Councilmember Kullmann – Humboldt Waste Management Authority (HWMA) had an orientation for new board members. Board meeting will be during the week. ACWA will meet soon.*

*Councilmember Lynch asked if waste was still being trucked out of Humboldt County. Councilmember Kullmann explained there was no local landfill in Humboldt County anymore and gave a quick history of the Cummings Landfill.*

*Councilmember Sawatzky – none*

*City Manager Berchtold – There was a staff conducted orientation with Mandy Mager, commissioner for Parks and Recreation Commission.*

*Mayor McCall-Wallace – Public Safety Commission meeting discussed 2015 work plan. They will meet again on the 23<sup>rd</sup> of this month. She also mentioned AB266 in regards to Marijuana 215 laws. It is endorsed by the league of California Cities and the California Police Chief Association. There will be stricter regulations on 215 laws that will cover state residency, state permits for dispensaries, local laws, proof of doctor/patient relationship, etc. HCAOG will meet soon.*

## **Future Agenda Items**

- *Waste reduction measures of City business (Discussion)*
- *Street Lighting*
- *City Manager to report on Railroad Ave situation – Engineers looking at solutions*

*It was noted that Disaster Prep was not yet ready for future agenda. Information still needed from Humboldt Bay Municipal Water District.*

## **Adopt Minutes from January 21, 2015 (Special Meeting)**

*Councilmember Sawatzky motioned to adopt the minutes from January 21, 2015, Special Meeting. Councilmember Kullmann seconded. Motion carried unanimously.*

## **Adopt Minutes from January 27, 2015**

*Councilmember Kullmann motioned to adopt the minutes from January 27, 2015 with changes. Councilmember Sawatzky seconded. Motion carried unanimously.*

## **Correspondence**

*There was a correspondence from Suddenlink regarding rate adjustments. City Manager Berchtold stated this was just for information purposes.*

## **Adjourn Meeting**

*Councilmember Kullmann motioned to adjourn. Councilmember Sawatzky seconded. Motion carried unanimously. The meeting adjourned at 9:14 p.m.*

*April Sousa, Deputy City Clerk*